

WYC:Imp 5/20/04 60319

IFW AF/3622 #

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Davis et al

Application No.: 09/697,009

Filed: October 25, 2000

For: DIGITALLY MARKED OBJECTS AND
PROMOTIONAL METHODS

Examiner: J. Janvier

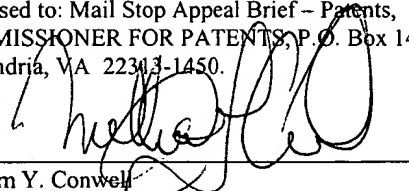
Date: May 20, 2004

Art Unit 3622

Confirmation No. 4530

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on May 20, 2004 as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22303-1450.


William Y. Conwell
Attorney for Applicant

TRANSMITTAL LETTER

MAIL STOP APPEAL BRIEF - PATENTS
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Enclosed for filing in the above-captioned matter are the following:

- ☒ Appeal Brief (in Triplicate) (fee **\$330.00**)
- ☒ Response and Application Data Sheet.
- ☒ If an extension of time is required, please consider this a petition therefor.
- ☒ Please charge **\$330.00** (fee for Appeal Brief) and any additional fees which may be required in connection with filing this document and any extension of time fee, or credit any overpayment, to Deposit Account No. 50-1071.

Date: May 20, 2004

CUSTOMER NUMBER 23735

Phone: 503-885-9699
FAX 503-885-9880

Respectfully submitted,

DIGIMARC CORPORATION

By


William Y. Conwell
Registration No. 31,943

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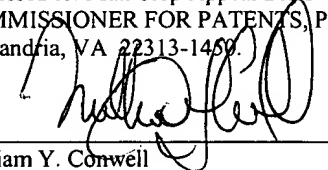


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William Y. Conwell
Attorney for Applicant

RESPONSE

Mail Stop: Appeal Brief – Patents
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir,

Further responsive to the Final Action, applicants note as follows:

IDS

The Examiner declined to consider certain non-patent art that was listed in the IDS filed September 23, 2003, because no copies were provided.

Attention is drawn to the Information Disclosure Statement which accompanied that listing of art. That IDS noted that each of the references (except those listed on page 7) was previously cited in parent application 09/343,104. Pursuant to 37 CFR 1.98(d), no copies of such references are thus required.

Accordingly, consideration of such references is appropriate, and the undersigned trusts the Examiner will so consider that non-patent art.

Priority Claim

The Final Action refers to Applicants' "indirect claim" for domestic priority.

Applicants are not aware of any paper they filed that claims priority in the present case back to 60/134,782. However, on re-checking the filing receipt, it appears the Office believes such a claim was made.

An Application Data Sheet is submitted herewith, clarifying that priority is claimed solely to application 09/343,104, filed June 29, 1999.

(Regarding the six inventors named in 09/343,104, versus the two named in the present filing, it will be recognized that the present filing claims less subject matter than 09/343,104.)

Restriction Requirement

If the Examiner has made the earlier Restriction Requirement final, he is invited to cancel claim 3 (which presently stands merely 'withdrawn').

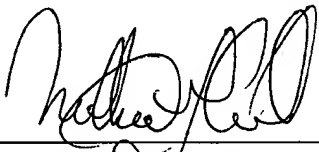
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